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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/923,328
Filing Date: August 08, 2001
Appellant(s): SIMPSON, SHELL S.

Jack H. McKinney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 21, 2007 appealing from the Office

action mailed July 5, 2006.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

Amendment after final was filed.

(5)   Summary of Claimed Subject Matter

The summary of the claimed subject matter is contained in the brief.

(6)   Grounds of Rejection to be Reviewed on Appeal

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Treptow et al (U.S. Pub 20002/0138564 A1) in view of Lahey et al (U.S. Pub

2005/0228711 A1). This rejection is set forth in a prior office action, mailed on July 5,

2006.

(7)   *Claims Appendix*

The copy of the appealed claims contained in the appendix to the brief is correct.

(8)   *Evidence Relied Upon*

U.S. Pub 20002/0138564 A1	Treptow et al.	09-2002
U.S. Pub 2005/0228711 A1	Lahey et al	10-2005

(9)   *Grounds of Rejection*

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Treptow et al (U.S. Pub No. 2002/0138564 A1) and Lahey et al (U.S. Pub No.

2005/0228711A1).

3.   As per claims 1, 5, 14, 18, 19, 20, 24, 33 & 37 Treptow disclosed a method for

monitoring a web-based service, comprising the steps of: receiving automatically at a

client a service reference to a status of a job in a network service (paragraphs 19-23,

41, 59 & 62), adding the service reference to a bookmark list on the client (paragraph.

88); determining the status of the job; and removing automatically the service reference

from the bookmark list when the job is completed by the network service, wherein the

determining step comprises receiving a message from the service indicating an event

(paragraph.82, 88 & 89). However Treptow did not explicitly disclose wherein the

removing step includes the step of automatically removing the service reference if no

message indicating an event is received from the network service for a predetermined

period of time.

In the same field of endeavor Lahey disclosed wherein the removing step includes the

step of automatically removing the service reference if no message indicating an event

is received from the network service for a predetermined period of time (paragraph.77).

It would have been obvious to one in the ordinary skill in the art at the time the invention

was made to have incorporated the removal of service reference (job status information)

if no message indicating an event is received as disclosed by Lahey in the method of

monitoring a web-based service as disclosed by Treptow in order to upgrade the status

of the service reference resulting in a most up to date and pertinent information

regarding the status of the jobs to the user.

4.   As per claims 2 & 21 Treptow-Lahey disclosed the method as defined in claim 1,

wherein the network service is a printer service, and the job is a print job (Treptow,

paragraphs. 9 & 41).

5.   As per claims 3 & 22 Treptow-Lahey disclosed the method as defined in claim 1,

wherein the service reference is a URL to a status page for the network service

(Treptow, paragraphs 86 & 87).

6.   As per claims 4 & 23 Treptow-Lahey disclosed the method as defined in claim 1,

wherein the service reference is provided when the network service is accessed

(Treptow, paragraphs.41, 59).

7.   As per claims 6 & 25 Treptow-Lahey disclosed the method as defined in claim 5,

wherein the bookmark list is maintained within a user profile in the user's personal

imaging repository (Treptow, paragraphs 62, 81 & 82).

8.   As per claims 7 & 26 Treptow-Lahey disclosed the method as defined in claim 1,

further comprising the step of determining the status of the job (Treptow,

paragraphs.41& 59).

9.   As per claims 8 & 27 Treptow-Lahey disclosed the method as defined in claim 7,

wherein the determining step comprises querying the network service to determine if a

job impediment has occurred (Treptow, paragraph.85).

10.   As per claims 9 & 28 Treptow-Lahey disclosed the method as defined in claim 7,

wherein the determining step comprises querying the network service to determine an

indication of what amount of the job is complete (Treptow, paragraph.84).

11.   As per claims 10 & 29 Treptow-Lahey disclosed the method as defined in claim

7, wherein the determining step comprises receiving a message from the network

service indicating an event (Treptow, paragraphs.53 & 62).

12.   As per claims 11 & 30 Treptow-Lahey disclosed the method as defined in claim

10, wherein the receiving a message step comprises receiving the message at a

bookmark management software (Treptow, paragraphs.36, 37 & 70).

13.   As per claims 12 & 31 Treptow-Lahey disclosed the method as defined in claim

10, wherein the receiving a message step comprises receiving a message of one or

more of the following: print job completed, copies printed, and error (Treptow,

paragraphs.20 & 61).

14.   As per claims 13 & 32 Treptow-Lahey disclosed the method as defined 1, further

comprising storing the service reference to a storage associated with the user (Treptow,

paragraph.60).

15.   As per claims 15 & 34 Treptow-Lahey disclosed the method as defined in claim

14, further comprising the step of adding a plurality of clickable references to be

displayed on a user screen, each clickable reference associated with a different service

reference for opening a different status web page having information about the status of

its respective job (Treptow, paragraphs 86, 87 & 89).

16.   As per claims 16 & 35 Treptow-Lahey disclosed the method as defined in claim

1, further comprising the step of adding a window associated with the network service to

a user screen to display therein a status web page with direct or indirect information

about the status of at least one job (Treptow, paragraphs 71, 86, 87 & 89).

17.   As per claims 17 & 36 Treptow-Lahey disclosed the method as defined in claim

1, wherein the bookmark list lists only job status service references (Treptow,

paragraphs. 70, 81 & 82).

(10) Response to Arguments

The applicant argues the following issues regarding **claims 1-37** to support his

position against the prior arts Treptow et al (U.S. Pub 20002/0138564 A1) and Lahey et

al (U.S. Pub 2005/0228711 A1).

(A)   _Rejection under 35 U.S.C 103(a) with regards to claims 1-37_

Issue 1:   The appellant (on page 7) alleges that Treptow fails to teach or

suggest, "receiving automatically at a client a service reference to a status of a

job in a network service or adding the service reference to the bookmark list on

the client" as claimed in claim 1.

Appellant's specification merely uses the word "automatically" but is silent about what

factors or component make the function automatic. Treptow discloses a web based

monitoring service (Page.2 paragraph.15 & **figure.5**) in which a service reference (i.e.

job status link indicator) with respect to the status of a job/task (e.g. print job, scanning

job, mailing job etc) is received and added tot eh bookmark list (I.E list). As the status

of the job/task is changed (e.g. job completed etc) the service reference to the status of

the job is reflected in the bookmark list (I.E. list) (Page.2. paragraphs 19-23 & figure.13).

Treptow on page.3, paragraph.41 states "Job status" This refers to the status of a job

request that indicates the current progress of the request processing. It is a mechanism

to help users understand that status of their job requests and to help the systems

administrators to administer them." On the aspect of "receiving automatically at a client

a service reference to the status of the job", Treptow on page.9, paragraph 105 states

"Status CGI-script 204 is used to provide web page print status information by retrieving

the progress information from the database and generating appropriate HTML to cause

the progress information to be displayed in the web page, such as shown in web page

166 of **figure 5**." Examiner respectfully asserts that it is evident from the cited disclosure

that Treptow discloses procedure of receiving a service reference to the status of the

job at a client is in fact an automatic procedure based on the "Status CGI-Script"

program.

Issue 2:   **The appellant (on page 7) referenced paragraphs 180 & 181 and**

alleged that Treptow does not disclose that the bookmark list is on the client as

claimed in claim 1.

Treptow discloses a web based monitoring service (Page.2 paragraph.15 & **figure.5**) in

which a service reference (i.e. job status link indicator) with respect to the status of a

job/task (e.g. print job, scanning job, mailing job etc) is received and added tot eh

bookmark list (I.E list). As the status of the job/task is changed (e.g. job completed etc)

the service reference to the status of the job is reflected in the bookmark list (I.E. list)

(Page.2. paragraphs 19-23 & **figure.13**). Treptow on page.3, paragraph.41 states "Job

status" This refers to the status of a job request that indicates the current progress of

the request processing. It is a mechanism to help users understand that status of their

job requests and to help the systems administrators to administer them."

Treptow on page 4, paragraph 58 states "Consumer Web pages 110 provide the user

interface for consumers users (I.E, operators of the operating devices) via browsers

operating ton the operating devices. In one embodiment, the consumer web page

comprise standers HTML web pages that are viewed by the web browser." Examiner

notes that the consumer's/user's ability view the status of the job/task list on their

operating device is evident enough that the job/task status is on the client device.

Additionally examiner notes that appellant's "bookmark list" is basically a "list" of

jobs/tasks associated with a user, which is displayed on a browser at client's device. By

merely calling a "job/task list" a "bookmark list" does not entitle appellants invention to

be patentable.

Issue 3:   **The appellant (on page. 8) alleges that that Treptow fails to teach or**

suggest, "receiving automatically at a client s service reference to a status of a

job in a network service or adding the service reference to the bookmark list as

claimed in claims 5, 14, 18 & 19.

Appellant's specification merely uses the word "automatically" but is silent about what

factors or component make the function automatic. Treptow discloses a web based

monitoring service (Page.2 paragraph.15 & **figure.5**) in which a service reference (i.e.

job status link indicator) with respect to the status of a job/task (e.g. print job, scanning

job, mailing job etc) is received and added tot eh bookmark list (I.E list). As the status

of the job/task is changed (e.g. job completed etc) the service reference to the status of

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the progress information to be displayed in the web page, such as shown in web page

166 of **figure 5**." Examiner respectfully asserts that it is evident from the cited disclosure

that Treptow discloses a procedure of receiving a service reference with respect to the

status of the job at a client is in fact an automatic procedure based on the "Status CGI-

Script" program.

Issue 4:   The appellant (on page. 9) alleges that the examiner fails to address

the explicit use of "personal imaging repository". Appellant further further argues

that neither Treptow nor Lahey mentions a personal imaging repository in an

autonomous network service let alone receiving a service reference in a personal

imaging repository or adding a service reference to a bookmark list in a personal

imaging repository as described in paragraph 61 of appellant's specification.

Appellant (on page 9 of appeal brief) regarding "personal imaging repository" cites

Paragraph 61 of the specification which states "Personal imaging repository" A personal

imaging repository is a conceptual term describing the exchange infrastructure used to

exchange graphics composition and graphics data with web services. Users are

associated with their graphics data through user profiles. It should be noted that the

personal imaging repository can represent any type of or combination of data storage

devices." Treptow discloses a consumer web page composed of graphic information

(GUI) (figure. 13), which represents job/task status information related to a specific user.

One in the ordinary skill in the art knows that any web page is stored in a Random

Access memory (RAM) of the client's device first before being displayed to the

client's/users viewing device (monitor). Therefore RAM falls under the vague

explanation "any type of or combination of data storage device" as disclosed by the

applicant in his specification cited above.

Issue 5:   The appellant (on page. 10) alleges that rejections of claims 1-37 are

improper as examiner has failed to establish a prima facie case of obviousness

under 35 USC 103.

As to appellants argument the examiner has described the case for prima facie case of

obviousness under 35 USC 103 in the final office action dated July 5, 2006. Additionally

the appellant is merely alleging that claims 1-37 are improper because the examiner

has failed to establish a prima facie case of obviousness under 35 USC 103. However

the appellant has not provided any reasoning as to why it should not be obvious to

combine the two references to anticipate appellant's invention.

Issue 6:   The appellant alleges that all of the dependent claims are patentable

for at least the same reasons as independent claims patentable which the

appellant addressed for the independent claims.

As to appellants argument all of the dependent claims are not patentable for the same

reasons as provided by the examiner for the independent claims in response to

appellant's arguments in the appeal brief.

(11) Related Proceedings Appendix

        None.

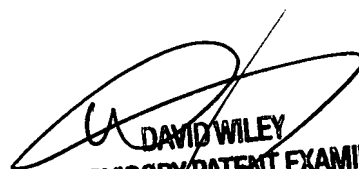   Respectfully submitted,

Asghar Bilgrami
Patent Examiner
Art Unit 2143
June 29, 2007

Conferees
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